THE TRYAL OF VVILLIAM STAYLEY Goldsmith;

For Speaking

Treasonable Words

Against His *Most Sacred*

MAJESTY:

And upon full Evidence found Guilty of

HIGH *T* REASON,

And received Sentence accordingly on *Thursday November* the 21*th* 1678.

Reprinted *Anno Dom.* 1678.

THE TRYAL OF *WILLIAM STAYLEY*, Goldſmith; For *Treaſonable Words*. Upon which *he* was Condemned for High Treaſon, *Nov.* 21. 1678.

MR. *Staley* being accuſed of high Treaſon, was on the 21th. day of *November* 1678. brought from *Newgate*. and arraigned at the Kings-Bench Barr, and the next Day was brought to the ſame Place to receive his Trial; where being come, and the Jury Impanelled, the Court told the Priſoner, that if he would Challenge any of the Jury, he muſt ſpeak unto them as they came to the Book to be ſworn, and before they were ſworn; the Priſoner Challenging none, the Jury were ſworn, *viz.*

JURY

Sir Phillip Mathews.
Sir Reginald Foſter.
Sir John Kirke.
Sir *John Cutler.*
Sir *Richard Blake.*
John Biſield, Eſquire.
Simon Middleton.
Thomas Croſs, Eſquire.
Henry Johnſon, Eſquire.
Charles Umfrevil.
Thomas Egglesfield, Eſquire.
William Bohee.

The Indictment Read.

You ſtand Indicted by the name of William Stayley, *&c.*

Cryer. If any can give Evidence on the behalfe of our Sovereign Lord the King, againſt *William Staley* let him come forth and he ſhall be heard.

Sir Creſſwel Levings. The Priſoner ſtands Indicted as not having the feare of God before his Eyes, being led by the Inſtigation of the *Devil*, not minding his Allegiance, but Traiterouſly endeavouring the Death and *Deſtruction* of our Sovereign Lord the King, he did on *November* the 14th, in the thirtieth yeare of the King, falſly, wickedly, and Traiterouſly Compaſs, *Imagine*, Deviſe and Invent the Killing the King, that he did maliciouſly contrive (I ſay) the *Death* of our Lord, the King of *England*.

To this he hath pleaded *Not guilty*. You are to try whether he be guilty or not.

Kings Sergjeaant, Maynard. The Offence is as great as can be, and will be prov'd as clear as can be. Call the Witneſſes to prove the Offence.

Atorn. Gen. It would be fitting before we enter upon the Evidence, to give ſome account, why (among ſo many offendors, ſome of them of greater quality then *William Stayley*) we choſe firſt to bring This *Man* to Tryal. *It* is not unknown to any man that lives in *England*, what Diſcoveries there have been of horrid and damnable *Deſigns* againſt the Kings Perſon, and the Proteſtant Religion. There are a ſort of men in the World, that endeavour what they can to cry down this Diſcovery, as that it was altogether Suppoſititious, and a Fable.

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It is true, ſome are ſo charitable as to think the *Roman Catholicks* in *England* do promote the *Roman Catholick* Religion, but the Deſign againſt the Kings Perſon is a Fiction. But they ſhall do well to take warning by the Tryal of this man, and Impriſonment of ſo many Offenders, as that even ſince this Diſcovery made, ſome have had this Treaſonable mind, and Trayterous attempt againſt the King, and ſaid thoſe words for which in the Indictment he is charged with. This priſoner by Religion is a *Roman Catholick*, he calls himſelf ſo; in plain Engliſh he is a *Papiſt*, and finding that ſince this Plot was diſcovered his trading decay'd, (being one that dealt in Monies) he was one of their party, he grew inraged their money way called ſo faſt for, being in the company of one *Fromante*, a Foreigner, at a *Cook's* ſhop, and were conſidering of matters of Trade, this man was complaning his money was ſo faſt called in for. Taking notice of the diſcovery of the plot, (being a very great well wiſher to it) entred into a great paſſion, and ſpake theſe words of the King: *That he was the greateſt Heretick in the World, that he was a great Rogue*; for his part, holding up his hand, clapt it then upon his heart, and ſaid, *I will with this hand kill him*. Theſe words were heard by the Gentlemen that were preſent, but ſpoken in *French*.

William Caſters, a Wittneſs.

Attorn. Gen. Acquaint the Court and Jury what you know of any words ſpoken by the Priſoner about killing the King.

Witneſs. So far as I know or can give an account, it was about Eleven of the clock in the day, on the 14th. day of this month; he call'd for a pot of Ale and a ſlice of Roſt Beef, which when it was called for, his Landlord ſaid it ſhould be brought him; there was another *Frenchman* with *Stayley*, a ſtranger to me: they diſcourſed together in *French* and *Stayley* then ſaid twice over, *The King was a grand Heretick*, making this Demonſtration, with his hand upon his Breaſt, and ſtumpt five or ſix times with his Foot in great Fury. The old man *Fromante*, his Friend, ſaid, *That the King of* England *was a Tormentor of the People of God*, and he anſwered again in a great Fury, *He is a great Heretick, and the Greateſt Rogue in the World; ther's the Heart and here's the Hand that would kill him, and the King and* Parliament *think all is over, but the Rogues are Miſtaken.*

L. Chief Juſt. Did you know *Stayley?*

Witneſs No my Lord, *I* had never ſeen him before.

L. Chief Juſt. What did you do upon this?

Witneſs. I did not know what to do being ignorant of the Laws of the Country, *I* thought it was a great matter, and being ſenſible that *Stayley* was gone out I cauſed one to attend him and came to his Fathers Shop, and looked up and down, and the next day *I* apprehended him.

L. Chief Juſt. Are you ſure (looking upon the Priſoner) that was the man?

Witneſs. Yes.

L. Chief Juſt. Did you ſee him when he ſpake the words?

Witneſs. Yes, I ſaw him; there was no more diſtance betwixt the two doors, but juſt as far as that Gentleman and me; his face was ſtraight towards us.

L. Chief Juſt. Were you in the ſame Room?

Witneſs. No, but juſt over againſt it, the doors were open.

L. Chief Juſt, How neer were you to him?

Wit-

Witneſs. Seven or eight foot from the place where I was and where he was He was ſtanding at one door, and I at the other. In *French* the words were ſpoken, he making a demonſtration, ſtamping with his foot *I would kill him my ſelf*, which the Priſoner would have evaded by ſaying, the words ſignifie, *I would kill my ſelf.* The Priſoner farther ſaid, that the King and Parliament thought all was over, but the Rogues were beguiled and deceived.

Alexander Southerland witneſs.

Mr. *Southerland*, Tell what you heard the Priſoner at the Bar ſay, were you there? *Witneſs.* Yes.

L. Chief Juſt. Which was neareſt to him, he or you?

Witneſs. He was neareſt to him, and I juſt by the Gentleman. He ſaid afterwards when a word or two paſt betwixt them, *The Rogues are deceived, theyt hink the Buſineſs is done, but they are deceived.* The old man ſaid, *that the King of* England *was a Tormentor of the People of God*; the Priſoner anſwered, *the King of* England *is the greateſt Heretick, and the greateſt Rogue in the World, and the King and Parliament thinks their buſineſs is done, but the Rogues are miſtaken.*

Priſ. I ſaid (replyed the Priſoner) I would kill my ſelf.

L. Chief Juſt. Would you kill your ſelf becauſe you ſaid the King was a Heretick? You acknowledge your ſelf to be a *Roman Catholick.*

Priſ. And in that Faith I intendto dye.

Attorn. Gen. Here the Priſoner doth not deny but he ſaid, *the King of* England *was a great Heretick*? and can we imagine him to be in ſuch a paſſion that he would *kill himſelf*? whether that be a natural Concluſion from the Premiſes, I muſt ſubmit to.

L. Chief Juſt. Did you ſee Mr. *Stayley* perfectly, was the door open?

Witneſs. I ſaw him perfectly.

L. Chief. Juſt. Did you know him before?

Witneſs. I never ſaw his face before.

L. Chief Juſt. Did you write the words preſently?

Witneſs. I writ them down preſently, as God ſhall be my Witneſs.

L. Chief Juſt. Look upon the writing, is it your hand?

Witneſs. It is? and it was written the 14th of *November* 1678. About Eleven a Clock they came to the black Lyon in *Kings-ſtreet*, and call'd for a quart of Ale and a ſlice of Roſt Beef, and it was anſwered, it ſhould preſently be had. *William Stayley* ſaid, having ſtruck on his Breſt, and ſtamping with his foot five or ſix times, *I my ſelf would do it.*

L. Chief Juſt. Did you write all that is in the Paper at that time?

Witneſs. I writ the words in *French* as I heard them from him, then formed it as to the Perſon and time afterwards when I was gone.

L. Chief Juſt. Who told you it was *Stayley* the Goldſmith?

Witneſs. We asked the man of the houſe, and we found he went to his Fathers houſe in *Covent Garden*; we asked his Fathers name and his name, and that's the very man.

L. Chief Juſt. He confeſſeth he was in the place at that time with the old man. He acknowledged that he ſpake ſome words, but denied he ſpake thoſe That he was the man he doth not deny.

At-

Attorn. Gen. The third man is a Gentleman that doth not underſtand the *French* Tongue, he was in the company of theſe two men at that time; we do not call him to prove the words, becauſe he doth not underſtand the Language.

L. Chief Juſt. There is no miſtake of the Perſon, the Priſoner doth not deny he was there. Call the third perſon to know what he hath to ſay.

Philip Garret, third Witneſs.

Wit. All that I can ſay is this; My Captain *William Caſtars* came to me in a great paſſion, and ſaid *I* cannot ſuffer this, I will run upon him, *I* cannot be quiet.

L. Chief Juſt. What are thoſe words he charged upon him?

Witneſs. That he would kill the King himſelf: it is impoſſible to ſuffer it, I will run out to a Conſtable preſently, this cannot be ſuffered.

I went to inquire for his name; the anſwer was, he was a Gold-ſmith and that his name was *Stayley.* That's the very man (looking upon him) I ſaw there, and heard him ſpeak.

L. Chief Juſt. What were the firſt words.

Witneſs. [The *French* words were ſpoken twice, in *Engliſh* thus] *The King was a grand Heretiek* [French again] *Here's the hand, here's the heart. I would kill him my ſelf.*

L. Chief Juſt. What can you ſay to this?

Priſoner. My Lord the matter of Fact happened thus: This Gentleman, Mr. *Southerland*, comes over to me in the morning when I was in the Shop, and ſaid Sir, *I* would have a red Button like this I ſaid I had none of that nature, you had better go to the Exchange, I would have one of a true Stone; You muſt (I reply'd) go to the Jewelers, I have none of theſe. Upon that I dimiſs'd him; he went over, and preſently comes, in a quarter of an hour after, and tells me, that an Honourable perſon would ſpeak with me: I went over; this Gentleman makes a great many Ceremonies to me, and reads me this Paper; he tells me, you ſee what the Gentleman reads I Would adviſe you to look to it, then taking me aſide by thee window, I ſaid, I do not underſtand you, I am innocent, you muſt not put any, bubble upon me; with that the Captain runs out in a fury, & feteheth a Conſtable, & carrieth me to the *Gate houſe.* I was in my ſhop the day before, which very day I did intend to go out with a Friend into the Country, and prepared my ſelf accordingly, and Mr. *Fromante*, the old man that was the Friend of mine, comes saying to me, the Conſtable would have ſomething, I know not what it is come and aſſiſt me; I went to the place, the Conſtable told me, that I was to appear by ten of the clock; with that comes the old man out. *I* owed him a little money, I went and paid him the money which I owed him. I came back and ſate down by the window out of ſight, the old man ſat at the right hand, ſo we ſat and diſcourſed as innocently, as I thought, and (before God) as ever I ſpake in my life.

L. Chief Juſt. What diſcourſe had you?

Priſoner. Our Chief diſcourſe was about the materials of our buſineſs, and it was about the King of *France* his uſurpation over his Subjects, & the happineſs of our little People, the Commonalty of *England*, that was indeed uſually our diſcourſe when

when we met together.

L. Chief Juſt. Did you ſay you would kill the King of *France?* and that he was a great Heretick? Do you believe the King of *France* is an Heretick?

Priſoner. I know not what his Opinion is, that is to his own Conſcience.

L. Chief Juſt. Did you name the word *Heretick?*

Priſoner. Not to my knowledge, upon my Soul, not of the King of *England*; we might have diſcourſed of the happineſs and of the difference of their Government I have been thought a Perſon of ſome intelligence, and of ſome underſtanding in the world, and not to expoſe my ſelf to ſpeak in a publick large room, the door being open, with ſo high a voice that theſe Gentlemen being in the next room ſhould hear me in *French*, and in a ſtreet where almoſt all are *Frenchmen*, to ſpeak theſe blaſphemous words, words that I abhor. I have been a great admirer of my Prince.

Court. Read the Statute of *Decimo tertio, &c.*

L. Chief. Juſt. Speak the words in *Engliſh* about killing the King, ſpeak them all.

Witneſs. That the Priſoners Companion did ſay, *The King was a Tormentor & Perſecutor of the People of God.* The Priſoners words were again, *The King of* England *is the greateſt Heretick, and the greateſt Rogue in the World; here's the heart, & there's the hand would kill him* I *my ſelf.*

Priſoner. Here's the hand, and here's the Heart which would kill my ſelf: not would kill him my ſelf.

L. Chief Juſt What Jeſuit taught you this trick? It is like one of them it is the Art and intereſt of a Jeſuit ſo to do.

The Statute read

L. Chief Juſt Have you any thing more to ſay for your ſelf then what you have already ſaid?

Court. Sir *John Kirk*, do you underſtand *French?*

One of the Jury. I do, my Lord; the words have been interpreted all right.

L. Chief Juſt. Let me ask you one Queſtion; When you ſaid the King was a *great Heretick and a Rogue, and here's the heart, and here's the Arm that would kill him my ſelf*; was it not the King you would kill?

Priſoner. I have this to ſay in Juſtification of my ſelf, & Allegiance to my Prince and King, that I never thought, nor imagined or contrived any way, but have been a true Subject to the King upon all occations; I am ſorry it proves ſo, Gods will be done, my Soul depends upon it; I am a dying man by the Statute, never with Intention, or any thought or ill will, ſpake any word about this matter.

L. Chief Juſt. Out of the abundance of the Heart the Mouth ſpeaks, the Statute hath been read, which hath made it criminal.

Call a Witneſs for the Priſoner.

VVitneſs for the Priſoner. One *Anſelm* ſpake.

They came to my houſe, where I live, at the *Croſe-keys* in *Covent Garden*, about eight a Clock in the morning, theſe two Gentlemen, the day they took him away, was the day after theſe words were ſpoke, and he was kept priſoner from eight till eleven of the Clock without any Conſtable, they had five Bottels of Wine and beſpake meat, but they did not ſtay to eat the meat.

L. Ch. Juſt. How came you to ſtay ſo long?

Wit-

Witn. I was to hours in looking for a Constable, they would not come with me without a warrant from a Justice of Peace.

L. C. Just. Who told you, you had best take it up?

Pris. The middlemost man, the first witness.

Witn. We were about three long hours, I sent out this Gentleman for a Constable, in the mean time the Prisoners Father sent his Maid for him to come home, told him he should not go, if he desired to eat we would eat there. I sent to *White-Hall* and desired a guard, the Officer of the guard told the messenger it was the Constables part

Court. Call another *Witness* for the Prisoner.

Witness for the Prisoner.

I have heard him often declare as much Loyalty to his Prince as any Person. One day we fell into a discourse of these affairs the business of the Jesuits, which are a people he did as much condemn as any; for in *Padua* he saw so many cheats, that he forsook the Jesuitical Religion, & if he knew any of the Persons concerned in this Plot, he would be the Executioner himself, and whoever comes to reign afterwards, they shall never enjoy so much peace as now; and *I* heard him often say he would lose his blood for the King, and heard him speak as Loyally as I ever heard any man speak in my life.

L. Ch. Just. That is when he spoke to a Protestant.

Court, Have you any thing else to to say for your self, or have you any more Witnesses, that you would have examined on your behalf?

Pris. No.

Lord Chief Justice his Speech.

THe Statute hath been read, which was made since the King came in, for the preservation of his person, and during his life: the Parliament thought it reasonable, even to make desperate words to be Treason, although there was no other thing but words, that is, such words, as if the thing had been done would be Treason the speaking it is Treason. When we come to observe the manner of this speaking methinks there is no great difficulty to satisfie the Jury that they were, spoke advisedly and maliciously. They were in a publick house, and by accident, heard: they concealed them not a moment, and not from the man that did not understand *French.* To hear a man say in a great passion, that his King was a Heretick and the greatest Rogue in the World, and that he would kill him, to write down the words presently, they slept not upon it, they found out who he was, the next day they came to attach him they kept him, for what? till they could get a Constable. So that here is nothing doubtful either in the circumstance or substance of his Case: so that you cannot have a plainer proof in the World then there is in this. For my own part, when it is in the Case of a man's life, I would not have any compliance with the rumors or disorder of times that should be an evidence against him, but would have a verdict depend upon the witnesses that swear the fact down right upon him. You and we all are sensible of the great difficulties & hazards that is now both against the Kings person, & against all Protestants, and our Religion too, which will hardly maintain it's self, when they have destroyed the men; but let 'em know, that many thousands will lose their Religion with their lives, for we will not be Papists, let the Jesuits press what they

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will (who are the foundations of all this mischief) in making profelites, by telling them, Do what wickedness you will, it's no sin, but we can save you; and if you omit what we command, we can damn you. This they will not own when it comes to be an objection and punishment upon them, but they will never get the Pope of Rome to declare he hath not a power to excommunicate what he calls an Heretick King, and if he does that the Subject is not discharged from his obedience, they would do great service to their Papist Friends, if they could obtain such an Edict. They print, preach, dispute, and maintain otherwise, and thereby lead people to their own destruction and the destructions of others. Excuse me if I am a little warm, when perils are so many, their Murthers so secret, that we cannot discover the murther of that Gentleman whom we all knew so well, when things are transacted so closly, and our King in so great danger, and Religion at stake: 'Tis better to be warm here than in *Smithfield*. But that the Man might have justice done him, he hath had his Witnesses, and might have had this Old man, if he had named him to *Mr. Richardson*: and to shew what fair play he has had. Mr. Attorny tells you the old man hath been examined upon Oath, and offers him the Copy of his Examination to use, but he thinks not fit to use it for his defence; therefore nothing is smothered. The Offence you have heard in words plain enough; unless the sence is perverted by Jesuitical cunning and equivocation, the best part of their learning and honesty. They swear it expresly, *That the King was an Heretick, and the greatest Rogue in the World, and her's the heart and hand, that he would kill him himself*; and hath and can have no other signification. The Statute saith *Advisedly* and *Maliciously*, the manner of speaking, and the words spoke prove both. When a Papist once hath made a Man a Heretick, there is no scruple to murther him. Whoever is not of their Perswasion are Hereticks, and whoever are Hereticks may be murthered, if the Pope commands it, for which they may become Saints in Heaven; this is that they have practised. If there had been nothing of this in this Kingdom, or other parts of the World, it would be a hard thing to impose it upon them, but they ought not to complain when so many instances are against them. Therefore discharge your Consciences as you ought, to do; if guilty let him take the Reward of his Crimes, and you shall do well to begin with this man; for perchance it may be a terrour to the rest. Unless they think they can be saved by dying in the Roman Faith, tho with such pernicious and traiterous words and designs as these are; let such go to Heaven by themselves; I hope, I shall never go to that Heaven, where Men are made Saints for killing Kings.

William Stayley, hold up your hand.

Court. Is *William Stayley* guilty of the High Treason whereof he hath been inditted?

Jury. Guilty.

Court. What Goods, Chattels, Lands or Tenements?

Pris. None.

L. Ch. Just. Now you may die a Roman Catholick; and when you come to die, I doubt you will be found a Priest too.

R. Council. I pray Judgment according to the Verdict.

Court. You have been indicted of High Treason, you have put your self upon your Country which Country have found you guilty, what have you to say for your self, wherefore the Court should not proceed to judgment against you?

Pris. I have nothing to say.

L. Ch. Just. I pronounce Judgement upon you, You are here found guilty by the Jury of High Treason, for saying you would kill the King, with other irreverent words; but the matter which makes you a Traitor is proved upon you by most apparent evidence. The matter, manner, and all the circumstances of it make it plain, you may harden your heart as much as you will; and lift up your eyes; but you seem in stead of being sorrowful, to be obstinate; between God and your Conscience be it; I have nothing to do with it; my dutie is to pronounce Judgment upon you according to Law, which is this.

THE SENTENCE.

You shall return to the Prison, from thence shall be drawn to the place of Execution, where you shall be hanged by the Neck, cut down alive, your Quarters shall be severed, and be disposed of as the King shall think fit, and your Bowels burnt, and so the Lord have mercy upon your Soul.

FINIS.